

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES COURTHOUSE
500 PEARL STREET
ROOM 520
NEW YORK, NEW YORK 10007

REDACTED

DATE: DECEMBER 12, 2003.

03-144M

CLERK,
UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE
J. CALEB BOGGS FEDERAL BUILDING
LOCKBOX 18
844 KING STREET
WILMINGTON, DE. 19801-3570

RE: USA - V - OLEG TSVETKOV

SDNY MAG. DOCKET # 03 MAG. 2296

DEAR SIR/MADAM:

REFERRING TO THE ABOVE CAPTIONED MATTER, PLEASE BE ADVISED, FOR RECORD PURPOSES, THAT THIS MATTER HAS BEEN DISPOSED OF AS FOLLOWS:

- (XXXXXX) 1. DEFENDANT (UPON WAIVER OF HEARING) REMANDED TO THE U.S. MARSHAL FOR REMOVAL.
- () 2. DEFENDANT (UPON WAIVER OF HEARING) BAILED FOR HIS APPEARANCE IN YOUR DISTRICT. BOND ENCLOSED.
- () 3. PROCEEDINGS DISMISSED INCIDENT TO TURNOVER OF DEFENDANT IN STATE EXTRADITION PROCEEDING.
- () 4. COMPLAINT DISMISSED BY YOUR DISTRICT.

YOURS TRULY,

J. MICHAEL MCMAHON
CLERK OF COURT

PLEASE ACKNOWLEDGE RECEIPT OF RULE 5(c)(3)
DOCUMENTS ON COPY OF THIS LETTER.

BY


DEPUTY CLERK

GILBERT QUAN

A TRUE COPY
UNITED STATES MAGISTRATE
FOR THE SOUTHERN DISTRICT OF N.Y.
[Signature]
DEPUTY CLERK

CLOSED

U.S.

District Court
Southern District of New York (Foley Square)
CRIMINAL DOCKET FOR CASE #: 1:03-mj-02296-ALL
Internal Use Only

Case title: USA v. Tsvetkov
Other court case number(s): None
Magistrate judge case number(s): None

Date Filed: 11/21/03

Assigned to:
Referred to:

Defendant(s)

Oleg Tsvetkov (1)
TERMINATED: 11/25/2003

represented by Daniel J. Ollen
805 Third Avenue
New York, NY 10022
212-758-9931
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

aka
"Victor Trykur," (1)
TERMINATED: 11/25/2003

Pending Counts

None

Disposition
-----Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition
-----Highest Offense Level (Terminated)

None








Complaints**Disposition**

18:1073:UNLAWFUL FLIGHT TO AVOID
PROSECUTION/GIVE TESTIMONY.

Plaintiff

USA

represented by **Victor L. Hou**
United States Attorney
1 St. Andrews Plaza
New York, Ny 10007
212-637-2400
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Filing Date	#	Docket Text
11/21/2003	 1	RULE 5(c)(3) AFFIDAVIT (District of Delaware) of Peter Zaleski, Investigator, Federal Bureau of Investigation and New York City Police Department Task Force, Squad IT-5, as to Oleg Tsvetkov. (Signed by Magistrate Judge Douglas F. Eaton on 11/21/2003) (gq,) (Entered: 12/11/2003)
11/21/2003		Arrest (Rule 5(c)(3)) of Oleg Tsvetkov. (gq,) (Entered: 12/11/2003)
11/21/2003	 2	CJA 23 Financial Affidavit by Oleg Tsvetkov. I appoint CJA Daniel Ollen. (Signed by Judge Douglas F. Eaton) (gq,) (Entered: 12/11/2003)
11/21/2003		Attorney update in case as to Oleg Tsvetkov. Attorney Daniel J. Ollen for Oleg Tsvetkov added. (gq,) (Entered: 12/11/2003)
11/21/2003		Minute Entry for proceedings held before Judge Douglas F. Eaton :Initial Appearance as to Oleg Tsvetkov (true name Victor Trykur) held on 11/21/2003. Deft appears with CJA atty Daniel Ollen. AUSA Victor Hou present for the gov't. Russian interpreter present. Detention on consent without prejudice. Remove the deft ASAP to District of Delaware. ID Hearing waived. Deft to be removed. Control date 12/5/03 at 10 A.M. (gq,) (Entered: 12/11/2003)
11/21/2003	 3	ORDER as to Oleg Tsvetkov. Deft requires Medical Attention. (Signed by Judge Douglas F. Eaton on 11/21/2003)(gq,) (Entered: 12/11/2003)
11/25/2003	 4	ORDER OF REMOVAL from the U.S.D.C. Southern District of New York to the United States District Court - District of Delaware, as to Oleg Tsvetkov. (Signed by Judge Douglas F. Eaton on 11/25/2003)(gq,) (Entered: 12/11/2003)
11/25/2003		***Terminated defendant Oleg Tsvetkov..(gq,) (Entered: 12/11/2003)
11/25/2003		***Case Terminated as to Oleg Tsvetkov.(gq,) (Entered: 12/11/2003)

12/05/2003	●	Rule 5(c)(3) Hearing held as to Oleg Tsvetkov. Deft appears with CJA atty Daniel Ollen. AUSA Victor Hou present for gov't. UFAP Case. Control date was 12/15/2003 but Marshals discovered he can't be airlifted because no real federal charge. FBI in Delaware to transport him by 12/12/3. Control date 12/12/03. (gq,) (Entered: 12/11/2003)
12/12/2003	●	RULE 5(c)(3) DOCUMENTS SENT as to Oleg Tsvetkov from the U.S.D.C. Southern District of New York to the United States District Court - District of Delaware. Sent original file along with documents numbered 1-4, certified copies of: Rule 5(c)(3) Documents, the docket sheet, and letter of acknowledgment on 12/12/2003. (gq,) (Entered: 12/12/2003)

ORIGINAL 03 MAG 2296

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

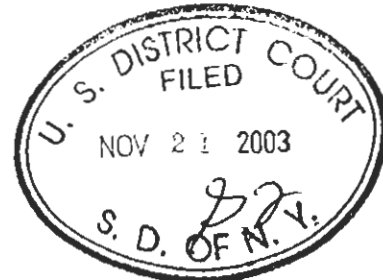
OLEG TSVETKOV,
a/k/a "Victor Trykur,"

Defendant.

SOUTHERN DISTRICT OF NEW YORK, ss:

DOUG #

RULE 5(c)(3) AFFIDAVIT



Peter Zaleski, being duly sworn, deposes and says that he is an Investigator with the Federal Bureau of Investigation ("FBI") and New York City Police Department Task Force, Squad IT-5, and charges as follows:

On or about November 14, 2003, a Warrant for Arrest of Oleg Tsvetkov (the "Warrant") was issued by The Honorable Mary Pat Thyng, United States Magistrate Judge for the District of Delaware, based on charges of felony fraud in the State of Delaware. A copy of the Warrant and underlying Delaware Indictment is attached hereto and incorporated by reference herein. I believe that Oleg Tsvetkov, the defendant, who was arrested on or about November 21, 2003, in the Eastern District of New York, is the same individual who is wanted on the Warrant and wanted by Delaware authorities.

The bases for my knowledge and for the foregoing charges are, in part, as follows:

1. I am an Investigator with the FBI/NYPD Task Force, Squad IT-5, and am one of the federal agents responsible for locating and arresting "Oleg Tsvetkov," for whom the Warrant was issued. Because this Affidavit is being submitted for the limited purpose of establishing the identity of the defendant, I have not included in this Affidavit each and every fact that I have learned relating to this investigation. Where I report statements made by others, those statements are described in substance and in part, unless otherwise indicated.

2. On or about February 25, 2003, "Oleg Tsvetkov" was charged in an Indictment with violating Delaware state law. In particular, "Oleg Tsvetkov" was charged in New Castle County Superior Court in Delaware with check fraud, in violation of,

A TRUE COPY
UNITED STATES MAGISTRATE
FOR THE SOUTHERN DISTRICT OF N.Y.
[Signature] DEPUTY CLERK

among other things, Title 11, Delaware Criminal Code, Section 841. On or about November 14, 2003, the Warrant for the arrest of "Oleg Tsvetkov" was issued by the Honorable Mary Pat Thyng, United States Magistrate Judge for the District of Delaware on the basis of "Oleg Tsvetkov's" unlawful flight to avoid prosecution on those Delaware state charges.

3. I spoke with a Special Federal Officer based in Delaware ("the Delaware Agent") and learned that the Delaware Attorney General's Office had requested assistance on November 14, 2003, from the FBI to locate and apprehend "Oleg Tsvetkov," who had been wanted for felony fraud in Delaware. On or about November 14, 2003, other FBI agents and I received from the Delaware Agent, among other things, the Warrant and a copy of two photographs depicting "Oleg Tsvetkov" (the "Photographs").

4. Based upon a review of computer databases, other law enforcement agents determined that an "Oleg Tsvetkov" resided at a location in the vicinity of [REDACTED] in Brooklyn, New York (the [REDACTED] Street Location") and also determined that a Ford Expedition appeared to be registered to "Tsvetkov."

5. On or about November 18, 2003, another law enforcement agent conducted physical surveillance in the vicinity of the [REDACTED] Street Location and observed an individual resembling the Photographs and observed a Ford Expedition vehicle parked near the [REDACTED] Street Location. The surveillance agent also observed the individual believed to be "Tsvetkov" removing items from the Ford Expedition parked outside of the East 12th Street Location.

6. On or about November 21, 2003, other law enforcement agents and I knocked on the door of the East 12th Street Location and identified ourselves as federal agents. A man identifying himself as "Oleg Tsvetkov" answered the door. Based upon my review of the Photographs and my observation of "Oleg Tsvetkov," I believe that the individual depicted in the Photographs submitted by the Delaware Agent is the same individual who answered the door at the [REDACTED] Street Location. "Tsvetkov" also produced a valid Delaware driver's license in the name of "Oleg Tsvetkov" with an address in the vicinity of [REDACTED] in Claymont, Delaware (the "Delaware Address"). "Tsvetkov" also provided consent for the agents to search the premises. Among the items found were two passports: a Russian passport bearing the name "Oleg Tsvetkov" and a Ukrainian passport with the same and/or similar photograph as the Russian passport but bearing the name of "Victor Trykur." Both photographs on the passports resemble the individual who identified himself as "Oleg Tsvetkov" at the East 12th Street Location. Other agents arrested "Tsvetkov" on the Warrant and he was taken to the FBI office at 26 Federal Plaza, New York, New

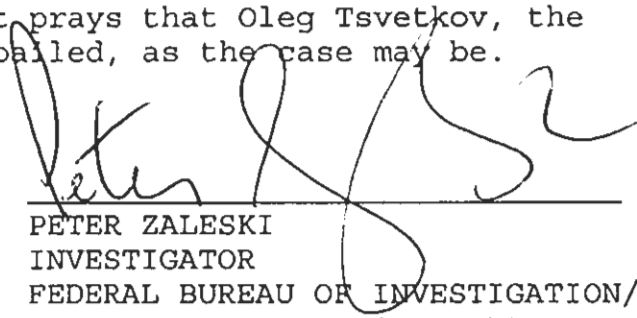
York, for processing (the "FBI Office").

7. At the FBI Office, "Oleg Tsvetkov" was asked questions about his identity and background. In response to pedigree questions, "Oleg Tsvetkov" indicated that his name was "Oleg Tsvetkov" and that he was born in the Ukraine and that he also used the name "Victor Trykur." In addition, "Tsvetkov" indicated that he owned a Ford Expedition which is registered in Delaware.

8. On or about November 21, 2003, I received from the Delaware Agent a "Wanted Persons Inquiry" for "Oleg Tsvetkov" which contained additional identifying information, including his date of birth, his Delaware Driver's License Number and last known address, which was the Delaware Address, which were all listed on the Delaware License retrieved from "Tsvetkov" at the East 12th Street Location.

9. For all of the foregoing reasons, I believe that the individual who was arrested, Oleg Tsvetkov, the defendant, is "Oleg Tsvetkov," the individual wanted on the Warrant.

Wherefore, deponent prays that Oleg Tsvetkov, the defendant, be imprisoned or bailed, as the case may be.



PETER ZALESKI
INVESTIGATOR
FEDERAL BUREAU OF INVESTIGATION/
NEW YORK CITY POLICE DEPARTMENT
TASK FORCE, SQUAD IT-5

Sworn to before me this
21st day of November, 2003.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

DOUGLAS F. EATON
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

AO 91 (Rev. 5/85) Criminal Complaint

United States District Court

Delaware

DISTRICT OF

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Oleg Tavetkov

W/M

DOR: 61

CASE NUMBER: 03-144M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about 2-25-03 in New Castle County county, in the Delaware District of Delaware defendant(s) did, (Track Statutory Language of Offense) flee the state of Delaware to avoid prosecution

in violation of Title 18 United States Code, Section(s) 1073

I further state that I am a(n) Special Federal Officer and that this complaint is based on the following facts:
Official Title

see attached affidavit

CERTIFIED: 11/14/03
AS A TRUE COPY:

ATTEST:
PETER T. DALLEO, CLERK
BY [Signature]
Deputy Clerk

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

SFO [Signature]
Signature of Complainant
Robert Kracyla, SFO

Sworn to before me and subscribed in my presence,

November 14, 2003
Date

Honorable Mary Pat Thyng
United States Magistrate Judge

Name & Title of Judicial Officer

at Wilmington, Delaware
City and State

[Signature]
Signature of Judicial Officer

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA

v.

OLEG TSVETKOV,

Defendant.

No. 03- 144 m

**MOTION AND ORDER TO SEAL
CRIMINAL COMPLAINT, AFFIDAVIT, ARREST WARRANT AND FILE**

The United States of America, by and through its attorneys, Colm F. Connolly, United States Attorney for the District of Delaware and Edmond Falgowski, Assistant United States Attorney for the District of Delaware, moves that the Criminal Complaint, Affidavit, Arrest Warrant and File in the above-captioned case be sealed until further order of the Court.

COLM F. CONNOLLY
United States Attorney

BY: 

Edmond Falgowski
Assistant United States Attorney

Dated: 11-14-03

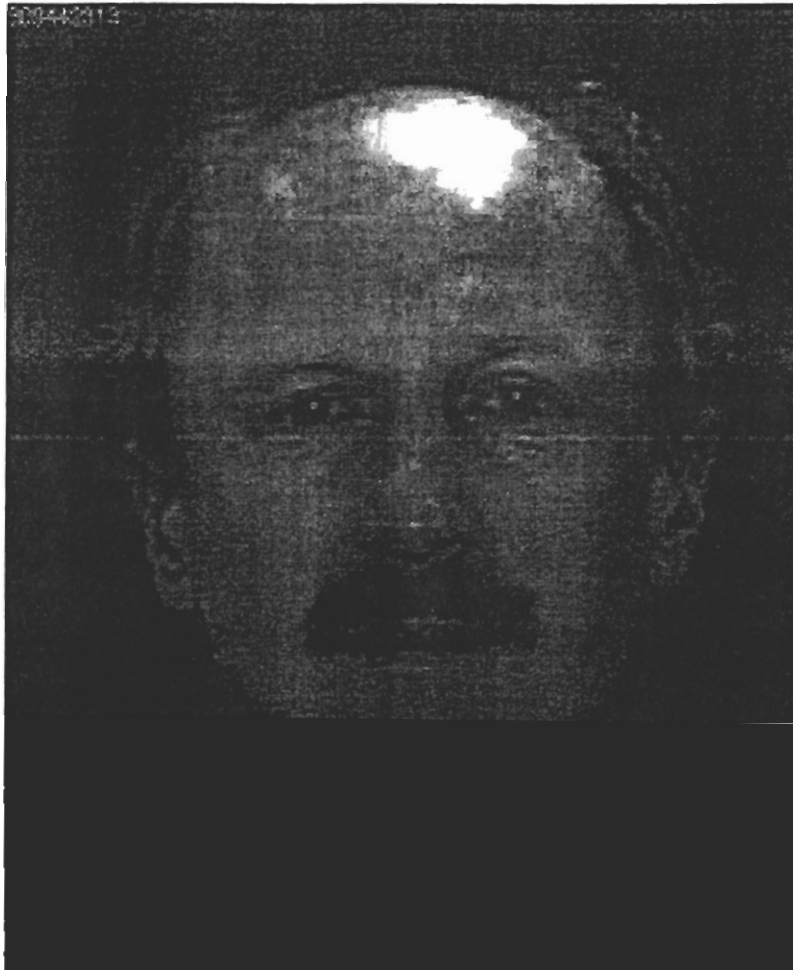
IT IS SO ORDERED this 14 day of November, 2003.


HONORABLE MARY PAT HYNGE
United States Magistrate Judge

Affidavit of
SFO Robert Kracyla

- 1.) I am a Special Federal Officer assigned to the FBI Task Force and have been a Police Officer for more than 19 years.
- 2.) On November 14, 2003, Deputy Jim Apostolico of the Delaware Attorney Generals Office requested FBI assistance to locate and apprehend Oleg, Tsvetkov. The Delaware Attorney General's Office advised that Tsvetkov is wanted for felony fraud.
- 3.) Investigation conducted by the Delaware State Police and the FBI to locate and apprehend Tsvetkov in Delaware has produced negative results. Investigation has revealed that Tsvetkov has fled the State of Delaware.
- 4.) The Delaware Attorney General's Office has agreed to extradite Tsvetkov wherever he is apprehended.

Robert Kracyla
Special Federal Officer, FBI



DISPOSITION SHEET

Victor Hov
AUSA
MAGISTRATE'S
DOCKET NUMBER 03-2296

DATE OF ARREST 11/21/03 ☐ VOL. SURRENDER
TIME OF ARREST 6:00 AM ☐ ON WRIT
TIME OF PRESENTMENT 5:10

PROCEEDING: ☐ Rule 5 ☐ Rule 9 ☐ Rule 40 ☐ Detention Hearing ☒ Other: Rule 5(c)(3)
☒ INTERPRETER NEEDED LANGUAGE: Russian

DEFENDANT'S NAME: Oleg Svetlov (true name Victor TRYKUR)
COUNSEL'S NAME: Daniel Ollon ☐ RETAINED ☐ LEGAL AID ☒ CJA

BAIL DISPOSITION

- ☒ DETENTION ☒ ON CONSENT W/O PREJUDICE ☐ SEE DETENTION ORDER
☐ DETENTION HEARING SCHEDULED AT DEFENDANT'S REQUEST FOR _____
☐ AGREED BAIL PACKAGE
☐ \$ _____ PRB
☐ _____ FRP
☐ \$ _____ CASH/PROPERTY: _____
☐ TRAVEL RESTRICTED TO SDNY/EDNY/_____
☐ SURRENDER TRAVEL DOCUMENTS (& NO NEW APPLICATIONS)
☐ REGULAR PRETRIAL ☐ STRICT PRETRIAL ☐ DRUG TESTING/TREATMENT
☐ HOME INCARCERATION ☐ HOME DETENTION ☐ CURFEW ☐ ELECTRONIC MONITORING:
CONDITIONS: _____
☐ DEFENDANT TO BE RELEASED UPON FOLLOWING CONDITIONS: _____

REMAINING CONDITIONS TO BE MET BY _____

☐ OTHER:

Remain the def. ASAP to District of Delaware

A TRUE COPY
UNITED STATES MAGISTRATE
FOR THE SOUTHERN DISTRICT OF N.Y.
[Signature] DEPUTY CLERK

FOR RULE 40 CASES:

☒ ID HEARING WAIVED
☒ DEFENDANT TO BE REMOVED

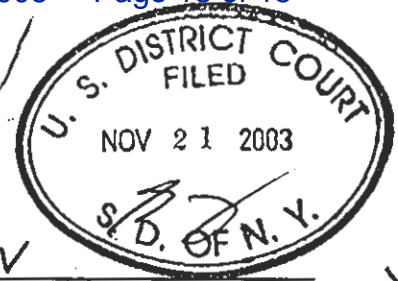
☒ PRELIMINARY HEARING WAIVED
☐ ON DEFENDANT'S CONSENT

DATE FOR ~~PRELIMINARY HEARING~~ CONTROL DATE 12/5/03 10 AM ☐ ON DEFENDANT'S CONSENT
COMMENTS AND ADDITIONAL PROCEEDINGS:

DATE Nov. 21, 2003

[Signature]
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

DATE: Nov. 21, 2003



NAME OF THE DEFENDANT: OLEG TSVETKOV

DOCKET NUMBER: 03 MAG. 2296 (TRUE NAME IS Victor TRYKUR)

TO THE WARDEN OF THE METROPOLITAN CORRECTIONAL FACILITY:

THE DEFENDANT, OLEG TSVETKOV (TRUE NAME IS Victor TRYKUR)

HAS BEEN REMANDED TO THE M.C.C. IN LIEU OF BAIL, AT THE HEARING
BEFORE THIS COURT THE FOLLOWING INFORMATION REQUIRING YOUR
ATTENTION WAS DISCLOSED.

DEFENDANT REQUIRES MEDICAL ATTENTION

*He suffers from inflammation of throat and stomach
caused by reflux.*

A TRUE COPY
UNITED STATES MAGISTRATE
FOR THE SOUTHERN DISTRICT OF N.Y.
[Signature] DEPUTY CLERK

11/21/03
SO ORDERED:

[Signature]
U.S. MAGISTRATE JUDGE DOUGLAS F. EATON
SOUTHERN DISTRICT COURT OF NEW YORK

AO 94 (Rev. 8/97) Commitment to Another District

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

UNITED STATES OF AMERICA
V.COMMITMENT TO ANOTHER
DISTRICT

OLEG TSVETKOV a/k/a Victor Trykur

DOCKET NUMBER

MAGISTRATE JUDGE CASE NUMBER

District of Arrest

District of Offense

District of Arrest

District of Offense

03 MAG 2296

03-144 M

CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN

☐ Indictment ☐ Information ☒ Complaint ☐ Other (specify)

charging a violation of 18 U.S.C. § 1073

DISTRICT OF OFFENSE

District of Delaware

DESCRIPTION OF CHARGES:

On or about February 25, 2003, the defendant did flee the state of Delaware to avoid prosecution on a state-law charge of felony fraud.

CURRENT BOND STATUS:

- ☐ Bail fixed at _____ and conditions were not met
 Government moved for detention and defendant detained after hearing in District of Arrest
☒ Government moved for detention and defendant detained pending detention hearing in District of Offense
☐ Other (specify) _____

Representation: ☐ Retained Own Counsel ☐ Federal Defender Organization ☒ CJA Attorney ☐ NoneInterpreter Required? No ☒ Yes Language: Russian


DISTRICT OF NEW YORK (SOUTHERN)

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

November 25, 2003

Date


 United States Judge or Magistrate Judge

RETURN

This commitment was received and executed as follows:

DATE COMMITMENT ORDER RECEIVED

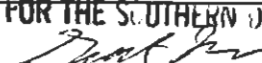
PLACE OF COMMITMENT

DATE DEFENDANT COMMITTED

DATE

UNITED STATES MARSHAL

(BY) DEPUTY MARSHAL

A TRUE COPY
 UNITED STATES MAGISTRATE
 FOR THE SOUTHERN DISTRICT OF N.Y.

 DEPUTY CLERK

DISPOSITION SHEET

Victor Hou
AUSA

DATE OF ARREST _____ ☐ VOL. SURRENDER
☐ ON WRIT

MAGISTRATE'S
DOCKET NUMBER B M 2296

TIME OF ARREST _____
TIME OF PRESENTMENT _____

PROCEEDING: ☐ Rule 5 ☐ Rule 9 ☐ Rule 40 ☐ Detention Hearing ☐ Other: (8)

☐ INTERPRETER NEEDED LANGUAGE: _____

DEFENDANT'S NAME: Oleg Teretkov

COUNSEL'S NAME: Daniel Allen ☐ RETAINED ☐ LEGAL AID ☐ CJA

BAIL DISPOSITION

- ☐ DETENTION ☐ ON CONSENT W/O PREJUDICE ☐ SEE DETENTION ORDER
☐ DETENTION HEARING SCHEDULED AT DEFENDANT'S REQUEST FOR A TRUE COPY
☐ AGREED BAIL PACKAGE
☐ \$ _____ PRB
☐ _____ FRP
☐ \$ _____ CASH/PROPERTY: _____
☐ TRAVEL RESTRICTED TO SDNY/EDNY/ _____
☐ SURRENDER TRAVEL DOCUMENTS (& NO NEW APPLICATIONS)
☐ REGULAR PRETRIAL ☐ STRICT PRETRIAL ☐ DRUG TESTING/TREATMENT
☐ HOME INCARCERATION ☐ HOME DETENTION ☐ CURFEW ☐ ELECTRONIC MONITORING:
 CONDITIONS: _____
☐ DEFENDANT TO BE RELEASED UPON FOLLOWING CONDITIONS: _____

UNITED STATES MAGISTRATE
FOR THE SOUTHERN DISTRICT OF N.Y.
[Signature] DEPUTY CLERK

REMAINING CONDITIONS TO BE MET BY _____

☒ OTHER:

UFAP Case. Control date was 12/5 but
Marshal's discovered he can't be arrested
because no real federal charge. FBI
in Delaware to transport him by 12/12

FOR RULE 40 CASES:

- ☐ ID HEARING WAIVED ☐ PRELIMINARY HEARING WAIVED
☐ DEFENDANT TO BE REMOVED ☐ ON DEFENDANT'S CONSENT

CONTROL DATE
 DATE FOR PRELIMINARY HEARING 12/12
 COMMENTS AND ADDITIONAL PROCEEDINGS:

DATE 12/5/03

[Signature]
 UNITED STATES MAGISTRATE JUDGE
 SOUTHERN DISTRICT OF NEW YORK